

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following arguments is respectfully requested.

Claims 1-40 have been deleted. Claims 7-11, 16-19 and 24-40 have been deleted in response to a restriction requirement (claims 11 and 19 have been deleted because they depended from non-elected claims). Claims 41-51 have been added. No new matter has been added as a result of the addition of these claims.

Drawings

The Examiner indicated that color photographs and color drawings are only acceptable for examination purposes unless a petition was filed under 37 C.F.R. Section 1.84(a)(2) is granted permitting their use as drawings. Applicants wish to hold the filing of such drawings in abeyance until receipt of notification from the Examiner of allowable subject matter.

Claim Rejections – 35 U.S.C. Section 112

Claim 2 was rejected under 35 U.S.C. Section 112, first paragraph, as not being enabled by the specification. The Examiner requested that Applicants deposit the specifically claimed lines 1865 and 2581 with a recognized depository. Claim 2 has been deleted. However, to the extent that this rejection applies to new claim 42, Applicants wish to hold the deposit of these claimed lines in abeyance until receipt of notification from the Examiner of allowable subject matter.

Additionally, claims 11 and 19 were rejection under 35 U.S.C. Section 112, second paragraph, as being indefinite. Specifically, the Examiner stated that these claims were rejected as being indefinite because they depended upon a non-elected claim. Claims 11 and 19 have been deleted. Therefore, this rejection has been rendered moot.

Claim Rejections – 35 U.S.C. Section 102(e)

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. Section 102(e) as being anticipated by Cosner. Because claims 1, 3, 4 and 6 have been deleted, Applicants submit that this rejection has been rendered moot and should be withdrawn.

Claim Rejections – 35 U.S.C. Section 102(e)/103

Claims 2, 11-13, 15, 19-21 and 23 are rejected under 35 U.S.C. Section 102(e) as being anticipated, or in the alternative, as being obvious under 35 U.S.C. Section 103 over Cosner. Because claims 2, 11-13, 15, 19-21 and 23 have been deleted, Applicants submit that this rejection has been rendered moot and should be withdrawn.

Claims 1, 5, 11, 14, 19 and 22 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Cosner in view of Stephans et al. Because claims 1, 5, 11, 14, 19 and 22 have been deleted, Applicants submit that this rejection has been rendered moot and should be withdrawn.

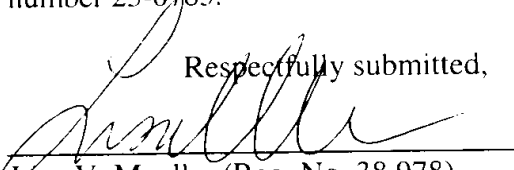
In view of the aforementioned amendments and arguments, Applicant submits that

claims 41-61 are now in condition for allowance.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

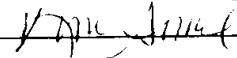
By:


Lisa V. Mueller (Reg. No. 38,978)
Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 MADISON STREET
SUITE 3800
CHICAGO, IL 60661
(312)-876-1800

CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to:
Commissioner for Patents, Washington D.C., 20231 on a December 20, 2002.



MARKED UP VERSION SHOWING CHANGES MADE:

Please delete claims 1-40 and add new claims 41-61 as follows:

41. (New). A New Guinea impatiens plant comprising a flower having at least one petal that exhibits a striped pattern, wherein said plant is produced by a method comprising the steps of irradiating a New Guinea impatiens plant with electromagnetic radiation or ion beams and selecting a shoot from said plant containing a flower having at least one petal which exhibits a striped pattern.

42. (New). The New Guinea impatiens plant of claim 41 wherein the plant has a pedigree that includes the plant 1865 or 2581.

43. (New). Pollen of the plant of claim 41.

44. (New). An ovule of the plant of claim 41.

45. (New). A tissue culture comprising regenerable cells of the plant of claim 41.

46. (New). A cutting of the plant of claim 41.

47. (New). A New Guinea impatiens plant comprising a flower having at least one petal that exhibits a striped pattern, wherein said plant is a descendent from a plant produced by a method comprising the steps of irradiating a New Guinea impatiens plant with electromagnetic radiation or ion beams and selecting a shoot from said plant containing a flower having at least one petal which exhibits a striped pattern.

48. (New). Pollen of the plant of claim 47.

49. (New). An ovule of the plant of claim 47.

50. (New). A tissue culture comprising regenerable cells of the plant of claim 47.

51. (New). A cutting of the plant of claim 47.

52. (New). A New Guinea impatiens plant comprising a flower having at least one petal that exhibits a striped pattern, wherein said plant is produced by a method comprising the steps of treating a New Guinea impatiens plant with a chemical mutagen and selecting a shoot from said plant containing a flower having at least one petal that exhibits a striped pattern.

53. (New). Pollen of the plant of claim 52.

54. (New). An ovule of the plant of claim 52.

52. 55. (New). A tissue culture comprising regenerable cells of the plant of claim

56. (New). A cutting of the plant of claim 52.

57. (New). A New Guinea impatiens plant comprising a flower having at least one petal that exhibits a striped pattern, wherein said plant is a descendent from a plant produced by a method comprising the steps of treating a New Guinea impatiens plant with a chemical mutagen and selecting a shoot from said plant containing a flower having at least one petal that exhibits a striped pattern.

58. (New). Pollen of the plant of claim 57.

59. (New). An ovule of the plant of claim 58.

59. 60. (New). A tissue culture comprising regenerable cells of the plant of claim

61. (New). A cutting of the plant of claim 60.

IN THE SPECIFICATION:

Please amend page 1, lines 3-4 to read as follows: "This application [is a continuation-in-part of] claims priority to U.S. Application No. 60/116,549 filed on January 21, 1999."